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Alabama - Public Instruction - 1866

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A BILL

TO BE ENTITLED AN ACT TO ESTABLISH

A Uniform and Efficient System of Public Instruction

IN THE

STATE OF ALABAMA, &c.,

BY

MR. BORDEN, OF CALHOUN COUNTY.

HOUSE OF REPRESENTATIVES, Nov. 19th.
Read first and second times, and referred to Committee on Education.
Nov. 30TH.—Read third time, and 500 copies ordered printed.

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1866.

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A BILL

To be entitled An Act to establish a uniform and efficient System of Public Instruction in the State of Alabama, and to repeal the Act "To render more efficient the System of Public Schools in the State of Alabama," approved February 14th, 1856, and the "Act to amend An Act to render more efficient the System of Free Public Schools in the State of Alabama," approved 24th February, 1860.

Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That to carry into effect the provisions of our State Constitution ; to realize the objects of the General Government in making grants and appropriations for the establishment of Schools in each township, and to extend upon equal terms to all the children of our State, the inestimable blessings of liberal instruction, the following system of Public Instruction is hereby established in this State, and the act "To render more efficient the system of Public Schools in the State of Alabama," approved 14th February, 1856, and the act amendatory thereto, approved 24th February, 1860, are hereby repealed.

TITLE—PUBLIC INSTRUCTION.

CHAP. I.—*State Superintendent.*

SECTION 1. The supervision and control of Public Instruction in this State shall be vested in a State Superintendent, who shall be elected by the General Assembly, and shall hold his office for three years ; and shall be liable to be removed from office by the Governor for neglect of duty or misconduct at any time during his term ; and any vacancy that may occur in said office of State Superintendent shall

be supplied by appointment by the Governor, until the next regular meeting of the General Assembly; *Provided*, that in the event of such removal, the Governor shall at the time communicate his reasons therefor, in writing, to the Superintendent thus removed, and also to the General Assembly, if in session, if not, within ten days after their next meeting.

SEC. 2. The State Superintendent shall, before entering on the duties of his office, take and subscribe an oath to be filed in the office of the Secretary of State, that he will faithfully discharge its duties; and also give bond, with security approved by the Governor, in the sum of twenty thousand dollars, for the faithful performance of the same.

SEC. 3. The office of State Superintendent of Public Instruction shall be located at the seat of Government in the city of Montgomery, in a room in the Capitol, assigned to him by the Governor; and he shall keep his office open during office hours, and shall permit his books to be inspected by all school officers, a committee of either House of the General Assembly, and such visitors as are interested in Public Instruction, when not officially engaged elsewhere.

SEC. 4. He shall visit each County in the State, at least once, during his term of office, for the purpose of conferring with the people and the school officers, counseling with the teachers, and delivering such lectures to the schools and the people as will be calculated to awaken an interest in the cause of education, and produce improvements in the government, methods of instruction, and discipline of the Public Schools; he shall, from time to time, prescribe instructions to the County Superintendents, Trustees, Directors and Teachers, for the systematic performance of their duties, and the proper management of the Schools.

SEC. 5. He shall prepare and preserve in well bound official books, complete, and particular exhibits of the condition of all the schools under his supervision, and the condition of the Public School fund of each township in every

county, specifically discriminating as to the portion derived from its 16th section fund, and from all other sources, designating the amounts of money apportioned to said townships and counties; the number of schools, teachers and pupils, the amount of expenditures in each township, what for, and from what sources derived.

SEC. 6. He shall see to the faithful disbursement of all moneys set apart and appropriated by this act, or from whatever sources raised for Public School purposes, taking as a basis of such disbursement, the returns, made to him next preceding such disbursement, of the number of children within the educational age in the various townships of this State.

SEC. 7. He shall by the first day of June, 1867, and annually thereafter, send out to the County Superintendents of each county, a statement of the proximate amount, per child, which he will pay them at the end of the following scholastic year.

SEC. 8. He shall, also, on or before the first day of June, annually, send out to each County Superintendent in the State, a statement showing the exact amount due and payable to each township for the scholastic year to close on the 30th of June, following.

SEC. 9. He shall, whenever required, give advice, explanations, construction or information in writing, to school officers, or to citizens, relative to the School Laws, the duties of officers, rights and duties of parents, guardians, pupils and all others,—and shall, from time to time, address circular letters to the County Superintendents, Trustees, Directors and Teachers, giving advice as to the best manner of conducting the schools, constructing school-houses, furnishing the same, and on all other subjects which may impart aid and encouragement to the cause of universal education.

SEC. 10. He shall prepare and transmit to the proper officers, suitable forms and blanks for Teachers' Registers, and for making the report required under the provisions of

this Act, and all other necessary forms, regulations and instructions for conducting the various proceedings and details of the system in a uniform and efficient manner.

SEC. 11. He shall, on or before the 15th day of October, present an annual report of his administration of the system of Public Instruction to the Governor, in which he shall furnish a brief exhibit :

1. Of his labors, the results of his experience and observation as to the operation of said system, and suggest the remedy for the observed imperfections.

2. An abstract of the reports received from the County Superintendents, exhibiting the condition of the Public Schools.

3. Estimates and accounts of expenditures, and a statement of the apportionment of money to the several counties.

4. Of plans for the improvement of the School Fund, and the better organization of the Public Schools.

5. He shall present a comparison of the results of the year last closed with the results of the preceding year or years, so as to indicate the progress made in the business of Public Instruction.

6. He shall furnish such other information relative to the system of Public Instruction—the Schools, the Government Funds, annual Revenues, &c., &c., as he may deem expedient to communicate.

7. He shall append to said report statistical tables compiled from the materials transmitted to his office, by the proper officers, with proper summaries, averages and totals. He shall, also, append a statement of the annual collections of School Revenue, and his apportionment thereof, and, when he deems it of sufficient interest so to do, he shall append extracts from the correspondence of the school officers, tending to show either the salutary or defective operations of the system or any of its parts.

8. When the report is laid before the Governor, he shall order the Secretary of State to have printed in the same

manner and upon the same conditions that other public printing is done during the recess of the Legislature, a sufficient number of copies to supply all the school officers of the State, and for the usual exchange with other States; and it shall be the duty of the Superintendent to distribute the same as indicated in this section.

SEC. 12. The State Superintendent shall have power to direct and cause the County Superintendent, or Trustee of the townships, to withhold from any School officer or teacher any part of the School moneys, until such officer or teacher shall have complied with the requirements of this Act, relating to his duties, and he may forbid the payment of any part of the School Fund to any township or district in which the School or Schools have not been kept in accordance with the laws regulating the same.

SEC. 13. He may, upon examination, or on the recommendation of a County Superintendent, or on other evidence satisfactory to himself, grant a certificate of qualification, which until revoked, shall be conclusive evidence, that the person to whom it is granted is qualified by his moral character, learning and ability, to teach in the Public Schools in this State, and such certificate shall be valid anywhere in the State, and the holder thereof shall not be subject to further examination, and upon cause shown he may annul any certificate granted by himself, his predecessor, or by any County Superintendent.

SEC. 14. The State Superintendent shall decide, without appeal, and without cost to the parties, all controversies or disputes that may arise under the School Laws of this State, the facts of which controversies or disputes shall be made known to him through the County Superintendent, by written statements by the parties thereto, verified by oath if required, and accompanied by certified copies of all documents necessary to a full understanding of the question in dispute: *Provided*, that nothing contained in this section shall be so construed as preventing any questions that may arise under this law, from being

subject to the jurisdiction of, and being tried in the Courts of Law or Equity of this State.

SEC. 15. He shall file and arrange in the order of time, and keep in his office, all proceedings on every appeal to him, including his decisions, and orders founded thereon.

SEC. 16. He shall have power to remove any County Superintendent, for neglect of duty, incompetency, or immorality, and when he does so he shall immediately notify the Board of Education of the fact, that they may supply the vacancy.

SEC. 17. It shall be the duty of the State Superintendent to collect in his office such school books, maps, charts, apparatus, Geological and Mineralogical specimens as can be obtained without cost to the State, and also to purchase such rare and valuable works on education, (not to exceed fifty dollars worth per annum,) as cannot be obtained otherwise, to be used as books of reference for the benefit of teachers.

SEC. 18. He shall cause as many copies of the School Laws, with necessary forms, instructions and regulations, to be from time to time printed and distributed among the school officers, as he may deem the public good requires.

SEC. 19. If at any time by failure of the General Assembly to make an election, or by death, resignation or otherwise, the office of Superintendent of Public Instruction shall be vacant, the Governor shall appoint some person to discharge its duties, who shall be entitled to all the powers, and bound by the same provisions as though he had been regularly elected.

SEC. 20. The State Superintendent shall triannually hold a convention of County Superintendents, at the City of Montgomery, for the purpose of consultation in regard to the workings of the School System; for the adoption of a series of text-books to be used in all the schools of the State, and for the adoption of a uniform course of studies for all the High and Normal schools of the State; and when said convention shall, by a majority of the members

present, adopt a series of text-books, or course of studies, they shall be strictly adhered to throughout the State, except by the unanimous consent of the Board of Education of the county in which the exception is made.

SEC. 21. The State Superintendent shall give each County Superintendent at least thirty days notice of the time at which said convention will be held, by sending him a copy of said notice.

SEC. 22. The State Superintendent may hold said conventions annually upon the written request of a majority of the County Superintendents.

SEC. 23. The State Superintendent shall provide a seal, with suitable device, for the use of the officer of Public Instruction, by which copies of papers deposited or filed therein, and all official acts or decisions may be authenticated under said seal; and when so authenticated, shall be evidence equally and in like manner as the originals.

SEC. 24. Whenever it shall become necessary to draw any moneys out of the State Treasury, to carry into effect the provisions of this act, the same shall be done upon the warrant of the Superintendent drawn upon the Comptroller, who shall thereupon draw his warrant upon the Treasurer for the amount.

SEC. 25. The Superintendent shall do and perform all other duties required of him by law, and shall at the expiration of his term of office, deliver to his successor, all moneys, property, books, maps, charts, apparatus, documents, records, reports, and all other papers belonging to the office, or which may have been received by him for the use of the office.

CHAP. II—*County Superintendent.*

SECTION 1. On the 1st Monday in May, 1867, and every three years thereafter, there shall be elected by the qualified voters of each county in this State, a single School Officer, to be called the County Superintendent, who shall

perform the duties required as hereinafter provided, and shall hold his office until his successor is elected and qualified; *Provided*, that said election shall be governed by the laws governing the elections for members of the General Assembly, the returns shall be made to the Judge of Probate, and the candidate receiving the highest number of votes, shall be by him declared elected.

SEC. 2. No person shall hold the office of County Superintendent, unless he is a person of good moral character, of literary and scientific acquirements and of skill and experience in the art of teaching, and has been a resident of the county two years next preceding his election.

SEC. 3. If the person so elected shall fail to accept, or be found, from any cause, disqualified for the performance of the duties of the office, or if said office should become vacant from any cause, the Board of Education for the county shall appoint some person to hold the office until the next regular election.

SEC. 4. The County Superintendent shall, before entering on the discharge of the duties of his office, take and subscribe an oath for the faithful performance of the same, and give bond payable to the State of Alabama, in such an amount and with such security as may be approved by the Court of County Commissioners, which bond shall be in duplicate; one copy shall be filed in the office of the State Superintendent within sixty days after the execution of the same, and the other with the Judge of Probate of his county.

SEC. 5. The County Superintendent shall be liable to be removed at any time by the Board of Education of his county, for incompetency, immorality, or any palpable violation of the law, or omission of duty.

SEC. 6. If at any time, the State Superintendent, or the Court of County Commissioners, shall become satisfied that the County Superintendent's bond is insufficient, it shall be his duty, on notice, to execute an additional bond, to be payable and conditioned as the first bond, the execu-

tion of which shall not affect the old bond, or liability of the securities thereon.

SEC. 7. The Board of Education, in order to determine the qualifications of the County Superintendent may examine him, or may appoint a committee of three persons of known ability to examine him as to his competency to fill the office to which he is elected or appointed.

SEC. 8. The County Superintendent shall constitute a medium of communication between the State Superintendent and the subordinate school officers and schools of his county.

SEC. 9. He shall have a general supervision of all the public schools established in his county, and shall visit, as often as practicable, the several schools, examine the pupils in their studies, and inquire into all matters relating to the management, course of study, method of instruction and discipline, so that each school may be equal to the grade for which it was established, and that there may be uniformity and efficiency in the administration of the school system.

SEC. 10. He shall, as opportunity offers, deliver such lectures to the schools and the patrons, and give such instruction in the art of teaching, and in the management of schools, as shall by him be deemed expedient.

SEC. 11. He shall carefully guard that no sectarian religious views be taught in any public school under his charge.

SEC. 12. He shall make the proper distribution among the Trustees, in the manner hereinafter prescribed, of all funds applicable thereto, and subject to his control, for school purposes, paying over promptly when called upon by them, provided they have discharged the duties, and at the time appointed as prescribed in this Act, all moneys under his control and due them for school purposes.

SEC. 13. He shall examine into the condition of the school houses, sites, outbuildings and appendages; the libraries, apparatus and school fixtures; advise with and

counsel the school officers, teachers and patrons, relative to their duties ; suggest methods for increasing the comfort, convenience and efficiency of the school houses, and appendages, adorning school grounds, and use every effort to advance the cause of education, and carry out the advice and instruction of the State Superintendent.

SEC. 14. He shall report to the State Superintendent during the month of April in each year, the number of children within the educational age in each township of his county ; the condition of the sixteenth section of each township, and, if the same has been sold or leased, how the proceeds have been invested and what is the annual income therefrom.

SEC. 15. He shall report by the 15th day of August in each year, to the State Superintendent, an account of the school operations in his county for the scholastic year last closed, stating the number of public schools, private schools, academies and colleges, with the number of children taught in each, and the number of youths within the educational age who do not attend any school ; also the number of teachers, male and female, employed in the public schools, and the salaries of each, male and female, and the number of teachers in the private schools, academies and colleges, and the salaries of each ; the number of teachers licensed, male and female, and the number of license annulled ; the number and condition of the school houses, and the number built during the year and the cost of each ; the number and condition of the school libraries, the number of volumes in each, and the number of volumes purchased during the year ; the amount of money raised by county taxation for school purposes, and the amounts raised by township and district taxation, specifically setting forth the amounts raised for each specific purpose, in each township, and from what sources raised ; a full and complete report from the Board of Education for the year last closed, with all other such facts and statistics as may be required of him by law or by the State Superintendent.

SEC. 16. He shall make by the 15th day of September of each year a settlement of his official accounts with the State Superintendent, showing the amounts received by him from all sources for school purposes, for the preceding year, the interest upon 16th section notes collected and received by him ; and upon whose notes, and to what date said interest was paid ; his disbursements for said year, specifying the townships to which payments were made, and the distributive share of each, and the balance, if any, on hand at the date of said settlement ; and upon his failure to make said settlement and account for all funds received by him, judgment may be rendered against him and his sureties for the amount unaccounted for, with interest from the date of its receipt by him, upon motion made by the Attorney General in the Circuit Court of Montgomery county, after thirty days notice given by the State Superintendent that such motion will be made for judgment, succinctly stating in such notice the term of the court, and the cause for which such motion will be made ; and the books of the Superintendent shall be *prima facie* evidence of such indebtedness of said County Superintendent.

SEC. 17. It shall be the duty of the County Superintendent to examine all persons who propose to teach in any of the public schools of the county, and to give to each person qualified a certificate setting forth the branches he or she is competent to teach, but no person shall be given a certificate (*unless he has been a resident of the State one year next preceding such examination, nor*) unless such person produces satisfactory evidence of good moral character.

SEC. 18. He shall hold regular examinations quarterly, on a day fixed by himself for that purpose, but may examine persons at any other time : *Provided*, that all examinations of teachers must be public, and at least two school officers of the county must be present.

SEC. 19. Certificates shall be of two grades, and shall be numbered and registered in a book set apart for that

purpose, and shall be denominated first and second grade, as the case may be.

SEC. 20. Certificates of the "first grade" shall embrace Orthography, Reading, Writing, Arithmetic, English Grammar, Geography, History, Book-Keeping, Algebra, Natural, Mental and Moral Philosophy and Physiology; and the "second grade" shall embrace Orthography, Reading, Writing, Arithmetic, English Grammar and Geography. Blank certificates shall be furnished from the State Superintendent's office.

SEC. 21. No applicant shall be examined as a teacher, if a male, under twenty years of age, if a female, under eighteen years of age.

SEC. 22. Certificates shall continue in force, if of the first grade, three years, if of the second grade, two years, unless sooner revoked.

SEC. 23. Any teacher holding a certificate issued by a County Superintendent, may be examined by the State Superintendent, or by some person deputed by him, and if found deficient, the certificate must be cancelled.

SEC. 24. After an applicant has received one certificate of the first grade, and shall have taught for three years successively, in the same county, the Superintendent, at the expiration of the first certificate, may grant him a professional certificate which need only be renewed at the discretion of the Superintendent.

SEC. 25. The County Superintendent is hereby invested with the power of annulling any certificate or license granted by himself, or his predecessor, giving at least ten days notice thereof to the teacher holding the same and to the Trustee employing him or her.

SEC. 26. He shall keep a book in which he shall register the names of all persons to whom he shall grant a certificate, in which shall be recorded the age and nativity of the applicant, date and grade of certificate, and all remarks necessary to make the record complete; and when any certificate is annulled or revoked, that also, with the cause

and date thereof, and such other facts as may be necessary for future reference, shall be entered in said register.

SEC. 27. He shall seek out such indigent and meritorious young men as are entitled to be beneficiaries of the University of Alabama, and shall encourage them to become students, and shall give to such a certificate which shall entitle them to admission as such to the University.

SEC. 28. All questions and controversies, arising under the school laws, in any county, shall first be submitted to the County Superintendent for his advice, opinion and decision, whence appeal may be taken to the State Superintendent upon a written statement of the facts, subscribed by the County Superintendent, and certified by the parties concerned.

SEC. 29. He shall receive and taken charge of all moneys, funds, property, or proceeds of any character, which may be raised in his county by county taxation, or which may accrue to him or to the county from any gift, grant, bequest, devise, endowment, or otherwise, to be used in aid of, or in connection with the funds set apart and appropriated by this act; and he shall strictly use and dispose of the same in accordance with its objects, and the provisions of law.

SEC. 30. He shall provide a sufficient number of well bound official books for the following purposes :

1st. A Register, in which the names of all Teachers licensed, and all license annulled or revoked, shall be recorded.

2nd. A Register, in which the names of all school officers in the county, shall be recorded.

3rd. A Enumeration Book, in which the annual enumeration of all the children in each Township and District, shall be recorded.

4th. A book in which shall be kept a statement of the amounts received by him, and placed to his credit for educational purposes, and of the disbursements of the same, and he shall copy therein his annual returns, and the annual statements of distribution made by the State Super-

intendent to his county, and the annual amounts received from all sources for educational purposes, showing, specifically, from what source each separate amount was received, and to what specific purpose or object, each separate amount was applied.

5th. A District book, in which shall be recorded the boundaries and limits of each School District in each Township of his county, and also such changes as may be made, from time to time, in the boundaries of the same.

SEC. 31. He may hold county conventions of school officers and teachers at such times and places, and as often as he may deem best for the interests of the schools, and for the uniform and efficient working of the system of Public Instruction.

SEC. 32. He shall organize and hold annually, or oftener if he deems best, as hereinafter provided, "Teachers Institutes," and shall provide for conducting the same in the best possible manner.

SEC. 33. He shall be "Principal" by virtue of his office, of the "High and Normal School" of his county, and shall devote his entire time and energies, not taken up by the other duties of his office, to superintending and giving instruction in said High and Normal School.

SEC. 34. He shall be *ex officio*, Secretary of the "Board of Education," of his county, and shall as soon as practicable, after the close of each scholastic year, make a report showing the financial and literary condition of the institution, and its operations for the year just closed, which report may be printed, at the option of the Board, but in all cases shall be open to the inspection of any citizen of the county.

SEC. 35. He shall do and perform all other duties required of him by law, or by the State Superintendent, or the Board of Education, if not inconsistent with the laws of this State,

SEC. 36. He shall, at the expiration of his term of service, deliver to his successor in office, on demand, all

moneys, books, papers or other property belonging to said office, or subject to his control as such.

CHAP. III—*Trustee.*

SEC. 1. There shall be elected in each township, or fractional township in this State, on the first Monday in June, 1867, and every two years thereafter, by the qualified voters thereof, one trustee for the Public Schools in such township.

SEC. 2. The election for trustee shall be held under the direction of the judge of probate, after ten days' notice by him given, at such place in each township as he may select, by inspectors by him appointed, who shall make a return thereof to the said judge of probate, and he shall thereupon announce the name of the person elected in each township, and report the same to the State Superintendent, and also to the County Superintendent.

SEC. 3. If the person so chosen should fail to accept, or any vacancy should occur in said office, the County Superintendent shall supply the vacancy, to hold until the next regular election.

SEC. 4. He shall, within ten days after his election, and before discharging any of the duties of his office, take and subscribe an oath for the faithful performance of the same, and give bond payable to the State of Alabama, for such an amount and with such security as may be approved by the court of county commissioners. Said bond shall be deposited with the judge of probate.

SEC. 5. The trustee shall constitute a medium of communication between the County Superintendent and the subordinate school officers and the schools of his township; and he shall be the superintendent, and shall have immediate supervision of all the public schools of his township.

SEC. 6. He shall make an abstract of the returns of the enumeration of children and youth in his township within the educational age, and made to him by the district director,

designating the number in each district separately, and between male and female, and return a certified copy thereof on or before the 15th day of April of each year to the County Superintendent.

SEC. 7. Should the director in any district fail to take and return the enumeration as required by law, the trustee shall employ a competent person to take the same, and shall allow him reasonable compensation for his services; and shall proceed to collect the amount so paid for such services, before any justice of the peace, in the name of the township, against such director in his individual capacity; and in such suits the trustee shall be a competent witness.

SEC. 8. He shall prepare and forward, annually, by the 15th day of July, to the County Superintendent, a report, exhibiting the school operations in his township for the preceding scholastic year, which report must show—

1. The whole number of persons within the educational age in his township, the whole number that have attended school, and the number that have not attended any school during the past year.

2. The whole number of schools which have been taught during the year.

3. What part of the schools which have been taught by males, exclusively, and what part have been taught by females, exclusively; what part have been taught by males and females at the same time, and what part have been taught by males and females at different times.

4. The whole number of pupils in attendance at all the schools, giving the males and females separately, and the average daily attendance.

5. The number of male and female teachers, giving each separately, and the monthly compensation to each.

6. The average length of the schools.

7. The amount of school funds received from the State, the amount received from the county, the amount received from voluntary taxation, and the amount of all other funds received by the trustee for school purposes.

8. The amount paid for teachers' wages, the amount for building, repairing, purchasing, renting, and furnishing school houses, and school house lots; the amount paid for apparatus, fixtures, books, and all other incidental expenses for the use of the schools.

9. The total receipts and expenditures for school purposes, together with such statistics and information in regard to schools as the State or County Superintendent may require.

SEC. 9. He shall be the assessor and collector of all voluntary taxes assessed and collected in each district under his control.

SEC. 10. He shall be secretary *ex officio* of the board of directors of his township, and treasurer of all school funds accruing to his township or any district thereof, arising from whatever sources.

SEC. 11. He shall prepare all reports for his township, and for the board of directors, and shall keep a book for each district in his jurisdiction, and shall record therein all his official acts and those of the board of directors, or local director, in relation to that particular district; and also a township book, in which all his official acts, and those of the board of directors relating to the whole township, shall be recorded; said township book shall contain an abstract of the enumeration of all white youth within the educational age in his township; and also a copy of all reports required to be made by him to the County Superintendent.

SEC. 12. On receiving notice from the County Superintendent of the amount of moneys apportioned to his township, he shall apportion the same amongst the several districts therein entitled, in proportion to the number of children in each, between the ages of six and twenty-one years, as the same shall be shown by the annual enumeration of the director of the district.

SEC. 13. It shall be his duty to assess and collect all taxes voted by any district in his township, or by the entire township, upon the taxable property of the district or

township, respectively, or upon the polls, or *per capita*, when so voted, and place the same to the credit of the district or township, in its proper place.

SEC. 14. When a tax has been voted either upon the property, the polls, or a *per capita* tax, and the proper returns made to the trustee, he shall, before proceeding to collect the same, give thirty days notice of the time and place at which he will receive said tax, and if said tax is not paid at said time, he shall, after five days, proceed to collect said tax by levy and sale, and shall be governed therein by the laws governing the collection of taxes from defaulting tax payers by the county tax collector.

SEC. 15. He shall visit each school within his jurisdiction at least once during each term, and shall do and perform all the duties required of the board of directors, or of the local directors, when they fail to perform the same, and shall, at the close of his term of service, turn over to his successor all moneys, papers, and other property belonging to the township, or any school therein.

CHAP. IV—*Directors.*

SEC. 1. On the 2d Monday in June, 1867, and, annually thereafter, there shall be elected, by the qualified voters thereof, one director in each district of every township in this State, who shall hold his office and perform the duties thereof until his successor is elected and qualified.

SEC. 2. In the first organization of districts, and in new districts, and when, for any cause, an election has not been held in accordance with section 1st of this chapter, elections may be held on any Monday, five days notice thereof being given by posting said notice up at three or more places in said district.

SEC. 3. The elections for director shall be held under the direction of the trustee, after five days notice by him given at such place in each district as he may select, by inspectors by him appointed, who shall report the result thereof

to the trustee, who shall thereupon announce the name of the person elected, and report the same to the County Superintendent.

SEC. 4. If the person so elected shall fail to accept within five days thereafter, or any vacancy should occur in said office, the trustee shall supply the vacancy by appointment, to hold until the next regular election.

SEC. 5. The director, before discharging any of the duties of said office, and within five days after his election, shall take and subscribe an oath for the faithful and impartial performance of the same.

SEC. 6. The director of each district shall take the direct management and control of its local interests and affairs; and shall visit the school in his district, at least twice during each term, with such other person or persons, competent to examine the pupils in their studies, as he may choose to invite; he shall make, under such rules and regulations as the board of directors, trustee, County or State Superintendent may prescribe, all necessary contracts in relation to providing teachers; building, repairing and furnishing school houses, providing fuel and all other necessary provisions for the convenience and prosperity of the school within his district.

SEC. 7. All contracts required by this act, or any other law, to be in writing, must be approved and signed by the trustee of the proper township, to be binding upon the parties thereto.

SEC. 8. No contract shall be made by the director, under the provisions of the two preceding sections, for the payment of money applicable to such purpose, which, in any one year, shall exceed the amount appropriated, set apart, and distributable to such district.

SEC. 9. All contracts whatever, either for the payment of money or the performance of labor, shall be reported to the trustee within ten days after being made, and a record thereof made by him in its proper place.

SEC. 10. It shall be the duty of the director to take, an-

usually, during the month of March, an enumeration of all the white youth between the ages of six and twenty-one years, resident in the district, and not temporarily there, distinguishing between male and female, and return a certified copy thereof to the trustee on or before the first day of April. He shall also make and return, at the same time, an enumeration of all white persons of all ages, and those under six and over twenty-one years of age.

SEC. 11. When a district is composed of parts of two or more townships, the enumeration of youth between six and twenty-one years of age, shall be taken separately for each fractional part lying in each township, and a return thereof made by said director to each trustee for the portion in his township.

SEC. 12. The director shall preserve and keep on file the enumeration of youth within the educational age in his district, and shall furnish a copy thereof, designating each by name, and the name of the parent or guardian, to each teacher employed in said district.

SEC. 13. The director of the district shall employ, with the concurrence of the trustee, such teacher or teachers as the amount of funds accruing to his district will justify, and the wants and number of pupils may demand; but no teacher shall be employed unless he or she has been first examined and licensed as provided in this act; and he hereby has power, with the approval of the trustee, for any cause sufficient in his judgment, to remove any teacher, by payment of his salary to the time of such removal.

SEC. 14. The director shall call a meeting of the citizens of the district at any time by order of the trustee, board of directors, or upon the written request of five legal voters of the district, by giving five days notice of the object for which said meeting will be held, and the time and place for holding the same, or sooner, by giving personal notice to all the qualified voters of said district.

SEC. 15. He shall have in his district the direct and immediate control, care and custody of all school houses,

school house sites, buildings, enclosures, and other property belonging thereto, and all books, maps, charts, apparatus, and other fixtures, and shall be responsible therefor in his individual capacity, to the board of directors.

SEC. 16. It shall be his duty to take and keep on file a list, alphabetically arranged, of the names of all the taxpayers in his district, and shall furnish a copy thereof to the trustee, or board of directors, as often as they may require it.

SEC. 17. He shall attend the meetings of the board of directors in his township when notified of the same, and shall be the executive officer of the school laws in his district, and shall do and perform all acts required of him by law, or by the trustee or board of directors, if not inconsistent with the laws of this State.

SEC. 18. He shall at the expiration of his term of service deliver to his successor or the trustee, all property belonging to said district.

CHAP. V — *Board of Directors.*

SECTION 1. The Board of Directors in each township shall consist of the Township Trustee, and the local Director, in each district of said township; a majority of whom shall constitute a quorum for the transaction of business.

SEC. 2. The Trustee, by virtue of his office, shall be Secretary and Treasurer of said Board, and at their first meeting they shall organize by electing one of their own members chairman.

SEC. 3. The Board of Directors in each township, and their successors in office, are hereby declared to be a body corporate, and as such may contract and be contracted with, sue and be sued, in any Court of Law or Equity in this State, and may receive any grant, gift, bequest, donation or devise, made for the use of any school, or schools within their jurisdiction, and they are hereby invested, in their corporate capacity, with the title and

care of all school-houses, school-house sites, libraries, apparatus, or other property belonging to the schools of their township, with full power to control the same in such manner, not inconsistent with the laws of this State, as they may, in their judgment, think will best subserve the interests of the Public Schools.

SEC. 4. It shall be the duty of the Board of each Township to hold regular meetings on the second Monday in July and January of each year, at the usual place of holding township elections, or such other place as may be convenient, for the transaction of such business as may be necessary in relation to the Public Schools of their townships, with power to adjourn from time to time, or to hold special meetings at any other time or place, within the proper township, as they may think advisable, or as the Public Schools may demand.

SEC. 5. The Board of Directors shall prepare, or cause to be prepared, a map of their township as often as they deem it necessary, or the County Superintendent requires it, on which shall be plainly and definitely marked the boundaries of the districts, and the location of the school-house in each district.

SEC. 6. The Board shall, if the legal voters cannot agree upon a location for a school-house, locate the same, but in the location of the Schools, they shall have reference to population and neighborhood, paying due regard to any school-house already built, and to all other circumstances necessary to be considered so as to promote the best interests of the Schools.

SEC. 7. When it shall happen that persons are so situated as to be better accommodated at the School of an adjoining township or district, the Board may transfer such persons, for educational purposes, to the adjoining district, or the respective Boards of the townships interested may transfer such persons to the township in which the school-house is situated.

SEC. 8. When it may be desirable to form a district to

be composed of portions of two or more townships, the respective Boards may form such districts, but the enumeration of youth shall be taken in each township as if no transfer had been made, and such schools, when so composed, shall be supported from the school funds of the respective township from which the pupils have been transferred. And when districts are formed, as above provided, they shall report to the township in which the school-house is located, and the adjoining township or townships, from which such district is in part taken, shall each make its estimates and enumeration as though no transfer had been made; *Provided*, that no one shall be transferred from one district to another, or from one township to another until all legal claims or indebtedness to said district or township shall have been settled.

SEC. 9. The Board shall determine, annually, as nearly as practicable, the entire amount of money necessary to be expended in each district of their respective townships, for purchasing school-house sites, erecting, furnishing and repairing school-houses, and for all other school purposes other than the payment of teachers, and shall call a meeting of the qualified voters of each district, by giving five days notice of the time and place, and the object for holding said meeting, in which notice the amount of tax, and the rate of tax, as estimated by the Board, shall be distinctly set forth, which rate shall not exceed *ten mills* on the dollar's valuation of taxable property in said district.

SEC. 10. The Director of each district shall extend said notices, and, with two other qualified voters whom he shall select, shall hold an election in order to determine whether the district is willing to be so taxed, and each voter, after having been informed by the director as to the object of said tax, and for his *quota* of said tax, shall announce *viva voce*, whether he is "for" or "against" said tax, and the managers shall record his announcement, and shall return a certified copy of the result thereof to the Trustee, who

shall enter the same upon the proper records, and be governed accordingly in the matter so submitted.

SEC. 11. Before an election is held in accordance with the two preceding sections, the Trustee of the township must obtain a transcript of the taxable property in each district from the last assessment books of the County Assessor, and shall make out a list of the names of the persons to be taxed, with the rate of tax, and the amount to be collected from each set opposite the respective names, and shall furnish each Director with a copy for his district, who shall exhibit the same to each voter, if he desires it, on the day of the election.

SEC. 12. The Board of Directors, shall also, annually determine, as nearly as practicable, the entire amount of money necessary to be expended in the employment of qualified teachers for each district in said township, and knowing the proximate amount of the general school fund, shall, for the purpose of continuing the terms of the schools, and making them more efficient than the general fund will justify, determine the amount of tax, and rate of tax necessary to be collected from each citizen of the district, which tax shall be a *per capita* tax upon all white persons of all ages in the district, but such tax shall not exceed, in any one year, one dollar *per capita*.

SEC. 13. The Board shall then call a meeting of the qualified voters of each District by giving five days notice of the time and place, and of the object for holding the same, which notice shall state the rate of tax *per capita* as estimated by the Board.

SEC. 14. The Director of each District shall extend said notices, and, with two qualified voters selected by him, shall hold an election in order to determine the willingness of the citizens to be thus taxed; and each voter, after having been informed by the Director as to the rate of said tax, shall announce, *viva voce*, whether he is "for," or "against" said tax, and the managers shall record his announcement, and shall return a certified copy of the result

of said election to the Trustee, who shall enter the same upon the proper record, and be governed accordingly in the matter so submitted.

SEC. 15. When the District refuses to be taxed to support the school, as provided in the preceding sections, the Director of the District shall then employ such teacher or teachers as the fund will justify, or may charge a "rate bill," or tuition fees, for those attending, and shall collect the same, and pay it over to the Trustee of the township, to be paid to the teacher as other funds are paid.

SEC. 16. When in the opinion of the Board of Directors, or upon the written application of ten qualified voters of the township, it is deemed necessary to establish a school of higher grade, or grammar school, in the township, they shall assemble the citizens thereof, by giving ten days notice of the time, place, and object for holding said meeting, which notice shall state the cost of said grammar school buildings, and fixtures, and the rate of tax necessary to be assessed and collected therefor, and when the vote is taken, if decided in favor of establishing said school, the Board shall proceed to establish the same in like manner as district schools.

SEC. 17. The township elections, as provided in the preceding section shall be held by a majority of the Board of Directors.

SEC. 18. Said grammar school, when so established, shall receive its *pro rata* share of the general fund, and for any deficiency therein the Board may charge a *rate bill*, or tuition fees for the pupils attending said school.

SEC. 19. Said grammar school shall be governed in all respects like a district school, except that the Trustee shall be the *local* Director of said school and shall collect all *rate bills*, or tuition charges, and may charge and collect an additional five per cent. thereon for his compensation for the same.

SEC. 20. The Board of Directors may exempt from the payment of any district or township taxes, all such persons

residing therein as in their opinion ought to be exempted, and the children of such persons shall be admitted to the schools of the district or township free of charge during the time of such exemption.

SEC. 21. The Board may also admit, to the district or township schools, non-resident pupils, and shall determine the rates of tuition of such pupils, and the Trustee shall collect the same.

SEC. 22. The Board may order, or authorize the suspension or expulsion from the schools, whenever in their judgment the interests of the schools demand it, of any pupil guilty of gross misdemeanor, or persistent disobedience.

SEC. 23. All special meetings of the Board shall be called by the Trustee, and if he should neglect or refuse to call said meeting, when required by the written request of two members of the Board, or by five qualified voters of the township, such meeting may be called by any two Directors of said township, and the business transacted at such meeting, shall be valid, as though it had been transacted at a regular meeting.

SEC. 24. If the Chairman or Secretary shall absent himself from any meeting of the Board, or, being present, shall refuse to perform any of the duties of his office, such office shall be filled *pro tempore*, by the appointment of some other member to said office, an entry thereof being made on the minutes; and the acts necessarily performed by such officer *pro tempore*, during such meeting, shall be as valid and binding as if they had been performed by the regular officers of the Board.

SEC. 25. The Board of Directors shall from time to time, as may be necessary, select such pupil, as they may desire to attend the High and Normal School of their county, being governed therein by the limitations and restrictions provided in this act.

SEC. 26. The Board of Directors shall do and perform all other acts required by law, or by the County Superintendent, not inconsistent with the laws of this State; and

shall at the close of their terms of office deliver to their successors all books, papers and other property belonging to said township.

CHAP. VI—*Formation of Districts.*

SEC. 1. Each township, or fractional township, shall be divided into as many school districts as the wants of the citizens and public necessity requires, and said districts shall be laid off by metes and bounds and numbered for each township.

SEC. 2. During the month of March, 1867, the present Trustees of the townships, or a committee of three legal voters of the township, whom they may select, shall divide the townships into suitable districts, and, in so doing, shall take into consideration the population and neighborhood, the most suitable site for a school house, any house already built or site procured, the general features of the country, such as streams and other waters, mountains, roads, railroads, villages, towns and all other circumstances, so as to promote the best interests of the schools, and shall make each district of such size and form as will best accommodate the people within its limits.

SEC. 3. Districts may be formed of parts of two or more townships, by the Trustees of the township interested, or by the joint committees of the townships interested, and when so formed shall report to the township in which the school house is located.

SEC. 4. When the districts are formed as above directed, the Trustees, or the Committee forming them, shall make a map of the township with the boundaries of each district, and the number thereof, definitely marked thereon, and shall furnish a copy thereof to the County Superintendent, and one to the Trustee elected under this law.

SEC. 5. When the Trustees, or Committee aforesaid, from any cause fail to divide the township into districts, as hereinbefore provided, the Trustee elected under this law

shall cause the same to be done as soon as practicable, after his election and qualification.

SEC. 6. When, in the opinion of the Board of Directors, it becomes necessary to alter or change the boundaries of a district, they may alter and change the same, but as often as they do so, they must make and forward to the County Superintendent a map of the township showing the change so made.

SEC. 7. In case any township is divided by a county line it shall be divided into districts and managed in all respects as though it was situated wholly in one county; but the supervision and control shall be given to the County Superintendent in which the largest portion of the township lies; and if the township is equally divided by the county line, then the State Superintendent shall determine which of the County Superintendents shall take charge and supervision of said township.

CHAP. VII—*District Meetings.*

SECTION 1. The annual meetings of the qualified voters of each district shall be on the first Saturday in July of each year.

SEC. 2. Special meetings may be called at any time by the Director, by order of the Board of Directors, the Trustee, or on the written request of five legal voters of the district, by giving five days notice of the time, place and object for holding said meeting.

SEC. 3. The Director or the district shall be chairman of said meeting, and he with two other legal voters, selected by him, shall hold all elections at said meetings—all votes shall be taken *viva voce*, and a certified copy of the result thereof returned to the Trustee of the proper township.

SEC. 4. Every white male inhabitant of the age of twenty-one years, and liable to pay a school district tax, shall be entitled to vote at any district meeting.

SEC. 5. The qualified voters in each district, when lawfully assembled, shall have power to adjourn from time to time, as may be necessary ; to designate a site for a school house by a vote of two-thirds of those present, and to change the same by a similar vote at any regular meeting.

SEC. 6. They shall also have power to direct the purchasing of an appropriate site, the building, hiring or purchasing of a school house, and the amount of fuel and other incidentals to be furnished, and the time and mode of furnishing them for the succeeding year, and may order such sum of money to be raised by taxation, or otherwise, as will be sufficient to defray the expenses thereof ; and may also order such sum to be raised as may be necessary for the purchase of such books, globes, maps, apparatus or other fixtures as may be needed in the school of said district.

SEC. 7. They may also determine the length of time a school shall be taught in their district the ensuing year, which shall in no case be less than four months ; and whether by male or female teachers, or both ; and what amount of money, if any, they will raise by taxation, or otherwise, to increase the length of the terms of the schools and make them more efficient than the general fund will justify ; and they shall also determine all questions legally submitted to them by the Board of Directors, or Trustee of the township.

SEC. 8. In case the matters mentioned in the preceding sections are not determined by the district in its legal meetings, the Board of Directors may determine the same ; and when in the opinion of the Board any school house, school house site, or other school property has become unnecessary, they may with the concurrence of a majority of the voters of the district, sell and convey the same in the name of the Board, such conveyance to be signed by the Chairman and Secretary of the Board, and shall use the proceeds of such sale for the benefit of the district to which such property belonged.

SEC. 9. All conveyances made to, or by the Board, shall be made to, or by them, in their corporate capacity, and to their successors in office.

SEC. 10. If at any district meeting any person shall conduct himself in a disorderly manner, and after notice from the Director, shall persist therein, the Director may order him to withdraw from the meeting, and on his refusal, may order any person or persons to take him into custody until the meeting shall be adjourned.

SEC. 11. Any person who shall refuse to withdraw from such meeting on being so ordered, as provided in the preceding section, or who shall wilfully disturb such meeting, shall, for every such offense, forfeit twenty dollars for the benefit of the school district, to be recoverable before any Justice of the Peace having jurisdiction therein; and if the person so convicted fail to pay the penalty and costs immediately, he shall be committed to the jail of the county, there to be imprisoned until the penalty and costs be paid, but not exceeding thirty days.

CHAP. VIII—*School Houses.*

SECTION 1. The director of each district shall have immediate charge of the school house and fixtures in his district, and shall attend to all necessary repairs of the same; to furnishing fuel and all things ordered by the district, or board of directors, for the improvement, convenience and comfort of the school, and shall charge the same among the incidental expenses of the school, to be paid as such incidental expenses are provided for.

SEC. 2. Every school house, other than log houses, shall be built according to plans furnished by the county superintendent, or approved by him, that proper regard may be had as to light, warmth, and ventilation, and such other matters as may conduce to the comfort, health and good discipline of the pupils.

SEC. 3. When, in the opinion of a majority of the voters

of any district, expressed at a district meeting, the location of the school house ought to be changed, it shall be the duty of the board of directors to inquire into the facts and reasons for said change, and if they deem it expedient, may sell and convey the same, or remove said house ; but when two-thirds, at any regular district meeting, shall so decide, the board shall sell and convey the same, and appropriate the proceeds thereof to the erection of another house on such site as may be selected.

SEC. 4. No school house shall be used for any other than public school purposes and district meetings, without consent first obtained from the director of the district.

SEC. 5. If any person shall wilfully injure any school house, or property belonging thereto, or buildings or fences connected therewith, or disfigure the same with paint or otherwise, or write, or make thereon, any obscene words, figures or devices, he shall, on conviction in the circuit or criminal court of the county in which the offense was committed, be punished by fine not exceeding fifty dollars above the damage done to said property, or by imprisonment in the county jail, or sentenced to hard labor not exceeding thirty days.

SEC. 6. The board of directors may receive donations of such sites or locations for school houses, as may be offered, or may purchase the same, or any house already built and adapted to school purposes, and suitably located in any district ; but in no case shall a school house be built on any site, until a good and sufficient title shall have been obtained for the same in the corporate name of the board.

SEC. 7. When lands shall be required for the site of a school house, or for enlarging a school house lot, and the board of directors shall, from any cause, be unable to contract with the owner thereof, they may apply for a *writ* of *ad quod damnum* to the probate Judge of the county, who shall forthwith issue the same, and the sheriff shall execute said *writ*, and return an inquisition describing the land, and stating the amount of damages to be paid to the

owner, and the probate judge may, at any time, hear a motion to confirm such inquisition, on such notice to the parties as he may direct; but no lot so taken shall exceed in the whole one acre, including the lands occupied by the school buildings.

SEC. 8. In all cases when the school house site is thus procured, the price of the land, and the cost of proceedings therein, shall be first paid into the court condemning the same, by the board of directors, for the district, before they shall go upon, occupy, or receive a title to the same.

CHAP. IX—*Schools.*

SECTION 1. In every district in each county, established as hereinbefore provided, there shall be kept, at least four months in each year, one or more schools, according to population, which shall be free to all white youths between the ages of six and twenty-one years.

SEC. 2. In every district school there shall be taught Orthography, Reading, Writing, Arithmetic, Geography and English Grammar. Algebra, Book-Keeping, Natural Philosophy, Physiology, Vocal music, Drawing, and such other branches of learning as the board of directors may deem expedient, shall also be taught when desired.

SEC. 3. When a school contains a sufficient number of pupils to employ two or more teachers, the director of the district shall see that the school is properly divided into classes, so as to form a graded school, and that the principal instructs the higher classes, and superintends the whole school.

SEC. 4. Public examinations shall be held in each school once in each term, of which due notice shall be given, that parents and others interested may attend.

SEC. 5. The number of hours per day, and the number of days in each week and month, and the hours and days for teaching, what days shall be holidays, and the number and extent of vacations, shall be determined by the board of directors for each township.

SEC. 6. Any person who shall wilfully interrupt, disturb or disquiet any school in session, or any persons assembled, with the permission of the director of the district, in any school house for the purpose of giving or receiving instructions in any branch of learning or education, shall forfeit, for each offense, the sum of twenty dollars for the benefit of the school district.

SEC. 7. If any person, convicted of the said offense do not immediately pay the penalty, with costs, the party so convicted shall be committed to the jail of the county, there to be imprisoned until the penalty and costs be paid, but not exceeding thirty days.

SEC. 8. The school year shall be divided into two terms, which shall be designated the Fall and Spring Terms. The Fall term shall include from the 1st of July to the 31st of December, and the Spring term shall include from the 1st of January to the 30th of June.

SEC. 9. All schools shall close at the end of the scholastic year on the 30th of June, and final settlements for the year shall be made of all school transactions up to that time.

CHAP. X—*Teachers.*

SECTION 1. No person shall be employed as a teacher under this law, unless holding the certificate of qualification issued by the County Superintendent, State Superintendent, or a certificate of graduation from a high and normal school, or a diploma from the normal department of the University of Alabama.

SEC. 2. Teachers shall be employed by the director of the district, with the approval of the trustee of the township, or by the trustee, when, from any cause, the director fails to make such employment; and may be removed, at any time, for cruelty, negligence or immorality, by the party employing them, by the payment of his salary up to the time of removal.

SEC. 3. The teachers shall keep, prepare and enter into

proper registers, an accurate account of the attendance of the pupils, text-books used, and branches taught, and such other statistics as may be required, and shall make due returns thereof to the trustee at the end of the term, and at such other times as may be required; and no teacher shall be entitled to receive payment for his services until such register, properly filled up and completed, be returned.

SEC. 4. It shall be the duty of all teachers in the public schools of this State, to impress on the minds of the children and youth, committed to their care and instruction, the principles of piety and justice, and a sacred regard for truth, love of humanity and universal benevolence, sobriety, industry and temperance, and all those virtues which are the ornaments of human society, and will tend to promote human happiness.

SEC. 5. The salaries of teachers shall be fixed, as near as may be, by the board of directors, in each township, for all the districts under their supervision and jurisdiction.

SEC. 6. All teachers shall, on pain of the forfeiture of their license, attend the county "Teachers' Institute," or county Convention of Teachers, and shall remain during their entire session, unless exempted therefrom by the board of education of the county.

SEC. 7. Teachers' wages shall be due at the time agreed upon in their contracts, and if not paid at that time, they shall be entitled to interest thereon until paid.

SEC. 8. All contracts with Teachers shall be in writing, and in duplicate, and shall specify the wages per month, or per term, as agreed upon by the parties, one copy of which shall be retained by the Trustee, and the other forwarded to the County Superintendent.

SEC. 9. If the general fund is not sufficient to pay said Teacher the full amount of his wages, and the district refuses to be taxed to make up a sufficient amount, and it is agreed that he shall receive in addition thereto such an amount as those sending pupils to said school are willing to pay, he shall, at the close of said term, if said subscribed

amounts are not paid, make out and furnish the Director with the accounts or charges against such individual thus indebted, verified by oath, and the Director shall collect the same, with an additional five per cent. thereon for his compensation, and shall pay to said Teacher the amount so collected and due him.

CHAP. XI—*Library.*

SECTION 1. That whenever by donation, taxation or otherwise, a collection of books, or funds to purchase the same, shall have been obtained to form a Public Library in and for any school district in this State, it shall be the duty of the Board of Directors of the township, in which such district is located, for the time being, to provide out of the funds of the District, applicable to such purpose, a suitable case or cases for said books, and for such additional books as may, from time to time, be added thereto.

SEC. 2. It shall be the duty of the Trustee of the township to receive all moneys contributed, or otherwise obtained for the purchase of books for such District Library, and to purchase the same, but no book shall be purchased unless recommended or approved by the Board of Education for the county; and all moneys received by said Trustee for Library purposes shall be accounted for in his annual report as other funds are accounted for.

SEC. 3. The legal possession and ownership of the books, cases and other appendages of the District Library shall be vested in, and remain in, the Board of Directors of the proper township, and their successors in office; and the Director of the district shall be librarian, and shall have immediate control and management of said Library, subject to the rules and regulations prescribed by the Board of Directors.

SEC. 4. The Board of Directors shall make, and from time to time may alter and amend, all necessary rules and regulations for the care, issue, use and return of the books

of said Library, and may ordain such penalties for the abuse, loss, or undue detainment thereof, as to them shall seem just and proper; which penalties shall be recoverable as debts of like amount are recoverable, and such penalties shall be paid into the Library fund, and used for the increase of the same.

SEC. 5. The Board of Directors, for the use of any district within their jurisdiction, may receive, hold and use, any devise, gift, grant, donation or endowment of property, real or personal, which may be made to them for the establishment, increase or support of any school Library, and the same to apply in accordance with the terms, conditions and restrictions attached thereto, and not inconsistent with this act.

SEC. 6. No books of a sectarian character shall be put into any District Library.

SEC. 7. Any person over ten years of age, and resident in the proper district, shall be entitled to the use of the books thereof, according to the rules prescribed by the Board of Directors, but no book shall be issued to any minor, without the order of his or her parent or guardian, who shall thereupon become liable to all the penalties for the abuse, loss or undue detainment of any book by said minor.

SEC. 8. The felonious taking and carrying away any part thereof, or any book, map, chart, article of apparatus, or furniture from any school Library, or school-house, shall and is hereby declared to be larceny; and the breaking into any school-house at night, with intent to commit larceny as herein set forth, or any felony, shall, and is hereby declared to be burglary; and any larceny or burglary so committed, shall be punished as in other cases under existing statutes.

CHAP. VII—*High School.*

SECTION 1. There shall be established in each county of this State, by the "Board of Education," as hereinafter

provided, a "High and Normal School," for the education and training of teachers and others.

SEC. 2. In said school, instructions shall be given to males and females, in the higher branches of an English and scientific education, in the Latin and Greek languages, and in the higher mathematics, sufficient to prepare youth to enter the University of Alabama; and instruction shall also be given in the theory and practice of teaching sufficient to prepare teachers for the District Schools.

SEC. 3. The Board of Education of each county shall consist of the Judge of Probate, the County Commissioners, the County Treasurer, and the County Superintendent, and their successors in office; a majority of whom shall constitute a quorum for the transaction of business; the Judge of Probate shall be President, the County Treasurer, Treasurer; and the County Superintendent, Secretary of the Board, by virtue of their offices.

SEC. 4. The Board of Education shall be a body corporate in law, and as such may contract and be contracted with, sue and be sued, plead and be impleaded in any Court of Law or Equity in this State; and may receive any grant, gift, donation, devise or endowment made for the use of the High and Normal School of the county; and they are hereby invested in their corporate capacity with the title, care and custody of the High and Normal School buildings, apparatus and other property belonging or appertaining to said school, with full power to control the same, in such manner as they may deem best for the interests of the school and the cause of education; and they are hereby authorized to establish all needful rules, by-laws and regulations for the government of said school and for carrying into effect the provisions of this act, not inconsistent with the laws of this State.

SEC. 5. The Board of Education shall, as soon as practicable after the passage of this Act, select a site, and erect suitable buildings thereon for said High and Normal School; *Provided*, that said board may rent, hire or lease such

buildings as may be indispensable until suitable buildings can be erected.

SEC. 6. In the selection of a site the board shall have due regard to accessibility, health, and all other considerations bearing upon the interests of said school; and, before proceeding to locate the same, they shall advertise and receive offers from the citizens of any district or locality, who may be inclined to provide such site, buildings, &c., or any part thereof, in order to secure the location of said school in their midst, and shall locate the same at the place where the greatest inducements are offered.

SEC. 7. The board of each county shall erect suitable buildings as hereinafter provided, on an area of ground of not less than ten acres in one tract, the whole of which shall be used as a place for gymnastic exercises and healthful recreation by the students, except so much thereof as may be necessarily occupied by buildings, gardens and such other purposes as shall be plainly promotive of the great objects of the institution.

SEC. 8. The buildings shall contain a hall of sufficient size to comfortably seat five hundred adults, with class rooms, and other rooms for at least one hundred students, all properly arranged and constructed as to light, heat and ventilation, so as to secure the health of the occupants.

SEC. 9. Each High and Normal school shall contain a Library-room for the accumulation of books, for the free use of the students; a Cabinet for specimens and preparations to illustrate the natural and other sciences, and shall provide such apparatus as may be indispensable, and as the wants of the school demand.

SEC. 10. The board shall prescribe the course of studies, and fix the rates of tuition and other charges for the paying pupils of said school; and shall see that the pupils are accommodated with good board at reasonable charges, and shall have a general supervision of the affairs and management of said school.

SEC. 11. They shall provide as many teachers of liberal

education and known ability as the condition and number of pupils may require.

SEC. 12. The County Superintendent shall be principal, *ex-officio*, of said school in his county, and shall be charged with the discipline and government of said school, in conformity with the law, and such regulations as shall from time to time be adopted by the Board of Education, and approved by the State Superintendent.

SEC. 13. Each of said schools shall have attached thereto a "MODEL SCHOOL," or school for practice, which may or may not be composed of pupils from the immediate vicinity, as the board in their discretion may deem most expedient, and so arranged that the students in the High and Normal school, who are preparing for the profession of teachers, shall therein acquire the art of teaching under the instruction of their professors.

SEC. 14. Said model schools shall be supported as the district schools, and shall receive their *pro rata* share of the general school fund.

SEC. 15. The qualifications for admission into, and the course and duration of study, in each of the High and Normal schools of this State, shall be such as shall be adopted by the respective Boards of Education for their county, and approved by the State Superintendent; but a uniform course of study, and uniform series of text-books may be adopted by a convention of County Superintendents, as hereinbefore provided, and, when thus adopted, should be strictly adhered to, except by the unanimous consent of the Board of Education.

SEC. 16. Each high and normal school shall admit, free of tuition charges, and retain during the entire time, one student, either male or female, from each township or fractional township within the county; said student to be selected by the Board of Directors thereof, from among those, if males, not less than sixteen years of age, if females, not less than fourteen years of age, who manifest a desire to become teachers, preference being given to those of the

best moral character and most studious habits, and possessed of the qualifications required by the Board of Education.

SEC. 17. Students, other than those admitted on township account, shall be admitted upon the payment of such charges as the Board of Education may determine.

SEC. 18. The Principal of each high and normal school shall have the power to suspend any student for improper conduct, and shall immediately refer the case with the facts to the Board of Education, who shall act therein as to them shall seem just, and for the best interests of the school; but when any student, attending on township account, is expelled, the fact of the expulsion shall forthwith be certified by the Principal to the Board of Directors of the township from which the expelled student was admitted, whereupon such Board shall have the right to supply the vacancy thus created.

SEC. 19. Students admitted on township account into any of said high and normal schools, shall be liable to devote as much time in the exercise of the profession of teachers in the public schools of the township from which they were admitted, as they were in attending said high and normal school, if so required by the Board of Directors, at the usual salary or compensation paid in such township; and if not so required by their proper township, they shall devote said time to the employment of teaching in some other township at such salary as may be given them; and each of said students, before admission to said high and normal school, shall subscribe a written declaration of his or her intention to comply with the provisions of this section, which shall be deposited with the Board of Directors of his township, and a certified copy thereof delivered to the Principal of said high and normal school, and if such student fail to comply with said declaration, he or she shall forfeit and pay the full amount of tuition charges, with interest from the date of entering said school.

SEC. 20 The text-books to be used in each of said

schools shall be such as may be selected by the Principal, with the approval of the Board of Education, unless as hereinbefore provided.

SEC. 21. When any student has completed the course of studies prescribed, he shall receive a certificate setting forth the branches of learning he has studied, and for that purpose there shall be annual examinations at the close of each scholastic year, which shall be conducted in the presence of the Board of Education, and all other school officers who desire to attend.

SEC. 22. Said certificates shall be signed by the County Superintendent and President of the Board of Education, and approved by the State Superintendent if he is satisfied as to the ability and qualifications of the person receiving the same; and all certificates granted under this section shall be received as evidence of scholarship to the extent set forth on the face of them, without further examination, in every part of the State.

SEC. 23. All male students of the high and normal school shall be taught military tactics, embracing the manual for infantry, the school of the company and battalion, to qualify them to introduce a proper system of instruction and discipline in the district schools.

SEC. 24. If any township should fail to send one pupil within two weeks after the commencement of each session of said high school, the Board of Education may supply said vacancy from any applicants who may present themselves from other sections of the county.

SEC. 25. The Board of Education shall hold regular meetings on the first Mondays in July and January of each year, and at such other times as a majority of them may deem proper.

SEC. 26. A "Teacher's Institute" shall be held, at least once, in each year, to continue not less than five nor more than ten days, in said high and normal school which may, or may not be during the session of said school, as the Board of Education of each county may direct.

SEC. 27. Said "Institutes," being in fact a normal school, shall be presided over by the County Superintendent, assisted by such teachers as he may select, and the instructions and proceedings in such Institutes shall be similar to a well conducted normal school.

SEC. 28. It shall be the duty of all the students of said high and normal school, who are preparing for the profession of teaching, to attend said Institute as a part of the regular exercises of the Institution, and all others, either of the district or high school, may attend at their option.

SEC. 29. It shall be the duty of every teacher, under the penalty of the forfeiture of his certificate to attend the Institute, and remain throughout the entire session, unless excused by the Board of Education.

SEC. 30. During the session of the Institute there shall be a vacation of the district schools, and the Board of Education shall make such arrangements as will secure to the teachers a hospitable reception, and as far as practicable, freedom from expense or board during the session.

SEC. 31. The high and normal school shall be divided into two sessions of twenty weeks each, and the year shall commence and end as the district school year.

SEC. 32. The days for teaching, and the number of days in each week and month, what days shall be holidays, and what shall be the number and length of vacations, shall be determined by the Board of Education for each county.

CHAP. XIII—*School Fund.*

SECTION 1. For the maintenance of this system of public instruction the following sums of money are hereby set apart and appropriated.

1. The annual interest, at eight per cent., on that portion of the surplus revenue of the United States, deposited with this State, under the act of Congress of the 23d of June, 1836.

2. The annual interest, at eight per cent., on the pro-

ceeds of the sale of certain lands granted by the United States, for the use of Schools in the valueless 16th sections in this State, under the act of Congress of the 11th of August, 1848.

3. The annual interest, at eight per cent. on the fund which has accrued, or which may hereafter accrue, from the sales of the 16th sections of the several townships of this State.

4. The annual interest, at eight per cent. on the proceeds of the sales of swamp lands, and all other lands which have been granted, or may hereafter be granted to this State, when no special object is expressed in the grant.

5. All sums of money which may have accrued or may hereafter accrue from escheats to this State.

SEC. 2. The sums of money set apart and appropriated by the preceding section shall be known as the *permanent school fund* of this State, and shall be distributed as herein provided.

SEC. 3. The following sums of money, in addition to that set apart in the first section of this chapter, shall be annually collected and appropriated for the support of the public schools of this State.

1. Every Bank, and every insurance, exchange, or express company, now or hereafter chartered in this State, shall pay an annual tax of one hundred dollars, or in that proportion, on every hundred thousand dollars of its capital.

2. Every railroad, mining or manufacturing company in this State shall pay an annual tax of one hundred dollars, after the same shall have declared dividends, or in that proportion on every hundred thousand dollars of its capital stock.

3. Every Agency of any foreign Bank or Exchange Company, shall pay annually a tax of one hundred dollars, and every Agency of any Insurance shall pay annually a tax of one per cent. on the profits made by such Agency.

4. On all foreign Bank bills issued in this State by any

corporation, partnership or person, one per cent. on every hundred dollars profit made by the use of said bills.

5. All sums of money received by this State under the first subdivision of section 397 of the Code.

6. There shall be annually assessed and collected, as State and county revenues are collected, two mills on each dollars valuation of taxable property, real and personal, in this State, for the purpose of aiding in the support of this system of public instruction : *Provided, however*, that the taxes aforesaid shall not be collected from persons of color. The taxes and moneys collected under this section shall be denominated the *school revenue* of this State, and shall be distributed as herein provided.

SEC. 4. Every county of this State shall annually raise by special tax, (in the same manner as other county taxes are raised), upon the real and personal property within the county, an amount of money sufficient to pay for the administration of the school system within the county, and for the support and maintenance of the county high and normal school, and to purchase such books, apparatus, and provide such buildings and other fixtures as the Board of Education may determine : *Provided*, That no tax shall be levied and assessed by the county for school purposes greater than one-half of one per cent upon the valuation of the personal and real property within the county.

SEC. 5. Each county may also assess and collect, for school purposes, one dollar per head upon all dogs, over three months old, when by a vote of the county at any general election they may so determine.

SEC. 6. In the event any county refuses to pay a tax on dogs, any district within the county may decide to tax dogs within their district, which tax shall be collected as other district taxes are collected, and used for any school purpose within the district.

SEC. 7. The permanent school fund, as set apart in section first, and the school revenue, as set apart in section

third of this chapter, taken together, shall be known and denominated the *general school fund* of this State.

CHAP. XIV—*Investment and Distribution of the Fund.*

SECTION 1. The control and management of the funds arising, or which may have arisen, or which may hereafter arise from the sale or disposition of the lands granted by the United States to this State for school purposes, or used and set apart for school purposes, are hereby vested in the Superintendent of Public Instruction for the purposes of this act; and all books, documents, vouchers, bonds, notes or other instruments appertaining thereto, shall hereafter be kept and managed in the office of said Superintendent, or under his control, in the same manner as now provided by law, so far as the same is not changed by the provisions of this act; and the Attorney General, and other officers are required to account with and report to the said Superintendent, in the same manner and under the same penalties as provided in the Code as to the Comptroller.

SEC. 2. The State Treasurer shall regularly report to the Superintendent all escheats whose proceeds shall have been paid into the Treasury, and shall reserve the same subject to the disposal of the State Superintendent, as provided in this act.

SEC. 3. The Comptroller shall, on or before the first day of May, annually, report to the Superintendent the amounts of school revenue up to that date.

SEC. 4. The annual sum of four thousand dollars is hereby set apart and appropriated for the payment of the salary of the Superintendent of Public Instruction, and to defray his travelling expenses, and other incidental expenses of his office, in procuring, distributing, and circulating documents, essays and other publications, and in such clerk hire, and in the purchase of such books and stationery as he may need, and he shall report the same with the vouchers in detail for all his expenditures to the next General Assembly.

SEC. 5. The Tax Collector in the each county, must deposit with the County Superintendent the amount declared by the State Superintendent to be due such county from the school revenue and the school fund of the State, and take his receipt therefor, which being certified by the Judge of Probate to be genuine, and by the proper officer, must be received by the Comptroller in payment of so much of the taxes due the State by such Collector.

SEC. 6. The Tax Collector shall pay over all moneys collected for county school purposes to the Treasurer of the Board of Education, and shall make his returns and settlements as now provided by law in relation to county taxes.

SEC. 7. That in case the amount declared to be due any county from the general school funds, exceeds the amount of State and school revenue raised in that county, the Tax-Collector shall deposit all the State and school revenue in the hands of the County Superintendent, who shall draw his warrant on the State Superintendent, who shall draw his warrant on the Comptroller, who shall draw his warrant on the State Treasurer in favor of such County Superintendent for the balance due such county from the general school fund.

SEC. 8. The interest upon all notes given for the purchase of the sixteenth sections, except such as are in the hands of the State Superintendent, and the rents of such sixteenth sections as are leased, must be paid to the Superintendent of the county, in which such sections lie, to be paid out by him according to the provisions of this Act.

SEC. 9. Whenever the Trustee of any township shall fail for four successive years to draw his distributive share of the general fund, the said shares, except so far as they consist of the sixteenth section fund, shall be considered as having reverted to the State, and the County Superintendent shall report the fact to the State Superintendent, who shall take such shares into the account, in making his next annual distribution.

SEC. 10. The State Superintendent shall, annually, on the first Monday in May, apportion the general school fund of the State to the several counties of the State, in proportion to the number of white children within the educational age, as returned to him by the County Superintendent, at the last enumeration made for his county, and shall issue his warrant therefor to the County Superintendent of each county upon the Tax Collector thereof; and upon presentation, the collector shall pay over to the County Superintendent the amount of said warrant out of the first funds which may be collected by him, taking his receipt therefor.

SEC. 11. Upon the receipt of the amount due upon the State Superintendent's warrant, the County Superintendent shall apportion said amount to the several townships and fractional townships in his county, in proportion to the number of white youth between the ages of six and twenty-one years, returned to him by the Trustee thereof, in which schools have been kept in accordance with the provisions of this Act, and with the instructions of the State and County Superintendents, and shall pay over the same to the respective township Trustees, and when there is a county fund he shall distribute and pay over the same in the same manner.

SEC. 12. The taxes levied in sections third, chapter xiii, and subdivisions 1st, 2d, 3d, 4th, and 5th, inclusive, of this Act, shall be paid to the judge of probate on the first day of January, of each year, and if any Bank, Railroad, Exchange, Insurance, Manufacturing or Mining Company, Corporation, Partnership or person, shall be in default for a longer period than ten days after such tax shall be due, the judge of probate of the county in which such institution is located, shall cause the solicitor of that circuit to commence suit therefor in the circuit court of the county in which such institution is located, and the service of summons upon any officer of such Bank, Corporation, Partnership or person shall be sufficient, and the certificate of

the judge of probate, showing that such Bank, Corporation, Company, Partnership or person is in default, shall authorize the court to render judgment for the amount, together with ten per cent. charges, and costs, which said judgment shall operate as a lien, from the time of its rendition, upon all the real estate and personal property of each Bank, Company, Corporation, Partnership or person.

SEC. 13. Nothing in this Act shall be so construed as to authorize the funds belonging to any of the townships of this State to be appropriated to the use or benefit of any other township.

CHAP. XV—*Compensation of Officers*

SECTION 1. The superintendent of public instruction shall receive, annually, the sum of three thousand dollars, to be paid quarterly as a salary for services required under this act; and such an amount as may be necessary for traveling expenses, books, stationery, clerk hire, and for all necessary contingent expenses, pertaining to his office, but not to exceed one-thousand dollars per annum, to be audited and paid as the salaries and contingent expenses of other State officers are paid.

SEC. 2. County superintendents shall receive an amount equivalent to three per cent. upon all moneys received and paid out by them, and such additional compensation as may be deemed just by the board of education, to be paid semi-annually by the treasurer of the board, upon the order of the President, out of any funds raised by the county for school purposes.

SEC. 3. Trustees of townships shall receive an amount equivalent to two per cent. upon all moneys received and paid out by them for school purposes, and such additional compensation as may be allowed them by the board of directors, to be paid, by order of the chairman, out of any funds raised in the township by township or district taxation.

SEC. 4. Directors of districts shall receive such compen-

sation as the district may allow them at the annual district meetings, to be paid out of any moneys raised in the district by voluntary taxation.

SEC. 5. County Commissioners, as members of the board of education, shall receive, for the time thus engaged, the same compensation as they are allowed by law as members of the Commissioners' Court.

SEC. 6. County treasurers, as treasurers of the board of education, shall receive three per cent. upon all moneys received and paid out by them as such.

SEC. 7. County collectors shall be entitled to two per cent. on the amount of county school taxes collected by them, and two per cent. upon the amount of the two mill tax.

SEC. 8. All school officers, teachers and pupils are, and shall be, exempt from road and militia duty, while in the discharge of their duties as such.

CHAP. XVI—*Liabilities of Officers.*

SEC. 1. If any school officer, or other person, entrusted with the care, control, management or disposition of any school moneys or property, or any part thereof, shall convert the same to his own use, he shall be liable to indictment, and, upon conviction, shall be fined in not less than double the amount of money or value of property so converted, and imprisoned in the county jail not less than one nor more than twelve months at the discretion of the court trying the same.

SEC. 2. The real estate of all school officers, and of the securities of each of them, shall be bound for the satisfaction and payment of all claims and demands against said school officers, as such, from the date of issuing process against them, in actions or suits brought to recover such claims or demands, until satisfaction thereof be obtained; and no sale or alienation shall destroy the lien created by this action.

SEC. 3. Any trustee failing to make returns of the children in his township, according to the provisions of this act, or shall knowingly and wilfully make a false return, or if he, or any other officer whose duty it is, shall negligently or wilfully fail or refuse to make, furnish or communicate the statistics, or information required, or shall fail to discharge the duties enjoined upon them, at the time, or in the manner prescribed in this act, such delinquent shall be liable to a fine of not less than ten, nor more than one hundred dollars, to be recovered before any justice of the peace, on information, in the name of the State of Alabama, and when collected, shall be paid to the County Superintendent for the use of the schools.

SEC. 4. All officers, or other persons, having charge of school funds or property, shall be responsible for all loss sustained by the county, township, or district, by reason of any failure on their part to perform the duties required of them by this act, or by any regulation authorized to be made by this act; and each officer or person aforesaid, shall be liable for any such loss sustained by his failure or refusal as aforesaid, and the amount thereof may be recovered in any court having jurisdiction, in the name of the State of Alabama, for the use of any county, township or district so injured, and when collected, shall be paid to the proper officer or person.

CHAP. XVII—*University of Alabama.*

SECTION 1. The powers and duties of the University of Alabama are hereby enlarged so as to embrace, in addition to its present departments of learning, a "Normal Department" for the education and training of teachers.

SEC. 2. Said University shall admit, when required, and retain, during the whole term of study, if so long they behave themselves well, into said Normal Department, one student from each county within the State, to be selected by the board of education from amongst those, not less

than eighteen years of age, who manifest a desire and capacity to exercise the profession of teaching, preference always being given to those of the best moral character, most studious habits, and greatest proficiency in knowledge; but no one shall be so admitted unless he is proficient in all the studies required for admission into the University proper, by the general regulations adopted by the board of trustees.

SEC. 3. In addition to the students admitted on county account, and who shall enjoy all the privileges of the University, there may be admitted others to said normal department, possessed of the required qualifications, who desire to prepare themselves for the profession of teaching in the academies, high schools and colleges of the State, who shall pay only such charges as are paid in the University proper.

SEC. 4. Before any student shall be admitted on county account, he shall file a written declaration with the board of education that his object in getting admission to said normal department is to qualify himself for the profession of teaching, and that it is his intention to engage in that employment in the State; and should any student fail to engage in that employment in the State, a length of time equal to that in which he attended said University, he shall forfeit and pay the full amount of tuition charges in said institution, with interest from the time of his entrance therein; which sum of money shall be paid to the State Treasurer, to be used for the support of said University.

SEC. 5. If any county should fail for thirty days after the commencement of any scholastic year to have one pupil in attendance at said University, then the State Superintendent shall fill such vacancy from those of proper qualifications from any county in the State.

SEC. 7. The board of Trustees and the President of the University shall control and manage the normal department of the University in the same manner as the other departments thereof, and shall be responsible that the instruction

and discipline therein are fully adequate to the aims and designs intended by its establishment.

SEC. 8. For the support of said Normal Department the sum of six thousand dollars is hereby, annually, set apart and appropriated out of any moneys in the treasury not otherwise appropriated, or so much thereof as may be necessary to pay the tuition of said normal students at the regular charges in said institution.

CHAP. XVIII—*Text-Books.*

SECTION 1. In order to secure harmony in the system of public instruction, and to enable children moving from one county to another to pursue their studies without interruption or unnecessary expense to parents or guardians; and, also to prepare pupils, for the higher grades of instruction in high schools and colleges, there shall be adopted by the triennial convention of County Superintendents, as hereinbefore provided, a uniform series of text-books, to be used in all the schools of the State organized under this act.

SEC. 2. Until a uniform series of text-books are adopted, as above provided, the County Superintendent, with the approval of a majority of the Board of Education, shall prescribe a uniform series for his county; but when a uniform series of text-books is adopted by the convention aforesaid, the same shall be strictly adhered to throughout the State, except by the unanimous consent of the Board of Education of the county in which the change is made.

CHAP. XIX—*Colored Schools.*

SECTION 1. The Board of Directors of each township in this State shall establish separate schools for the education of negro and mulatto children, and persons of African descent, between the ages of six and twenty-one years, whenever as many as thirty pupils, in sufficient proximity for school purposes, claim the privilege of public instruction,

and the fund for that purpose is sufficient to support a school for four months in the year.

SEC. 2. Such schools shall be under the control of the Board of Directors, and governed in the same manner as schools designed for white children, and subject to the same rules and regulations as to teachers, text-books, &c. ; and reports of enumeration, and operations of schools as others are reported.

SEC. 3. When colored schools are taught and reported by this act, they shall receive their *pro rata* share of the 16th section fund of this State.

SEC. 4. For the further support of said schools, there shall be assessed and collected upon all the property owned by colored persons, in this State, a tax of two mills upon each dollar's valuation thereof, and a poll tax of two dollars upon every male negro and mulatto over the age of eighteen years, and when collected, to be united to their share of the 16th section fund, to be paid out and distributed as the school fund for others is distributed.

SEC. 5. There shall also be assessed and collected, on each dog kept or owned by any negro or mulatto in this State, a tax of one dollar, to be paid to the Trustee of the township in which such negro or mulatto resides, to be used by said Trustee in conjunction with the fund drawn in that township for the support of the colored schools.

CHAP. XX —*Miscellaneous.*

SECTION 1. The Trustee of the free public schools in each township, provided by this act, is to be substituted, instead of the school Trustees directed to be elected in Chapter first, Title eight of the Code of Alabama, and he is hereby vested with all the powers, and placed under all the responsibilities of the said "School Trustees" for the performance of the duties and services specified in said chapter, so far as they are not inconsistent with the provisions of this act.

SEC. 2. That where a township line runs through a city, town or village, the children residing in either of such townships, sent to any chartered school in either of said townships not established in conformity to this act, shall be entitled to receive their *pro rata* share of the 16th section fund of the township in which said children reside.

SEC. 3. That in all elections authorized by this act, a majority of the votes actually polled, shall govern, except as in special cases herein provided.

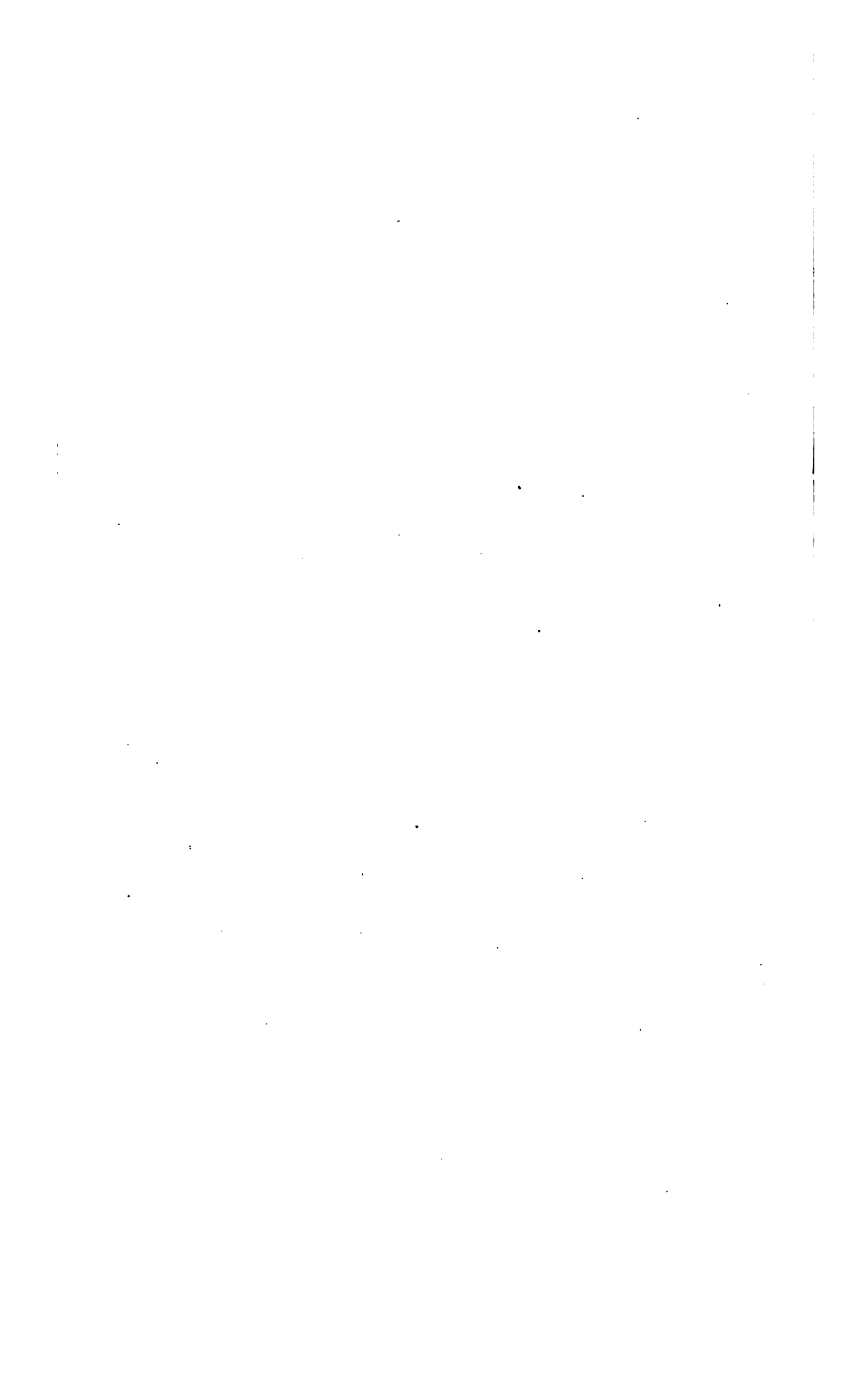
SEC. 4. In order to accommodate all localities, the districts are hereby authorized to raise the *per capita* tax to such an amount *per capita* as *two-thirds* of the actual voting population of the district will approve at a regularly appointed meeting for that special purpose.

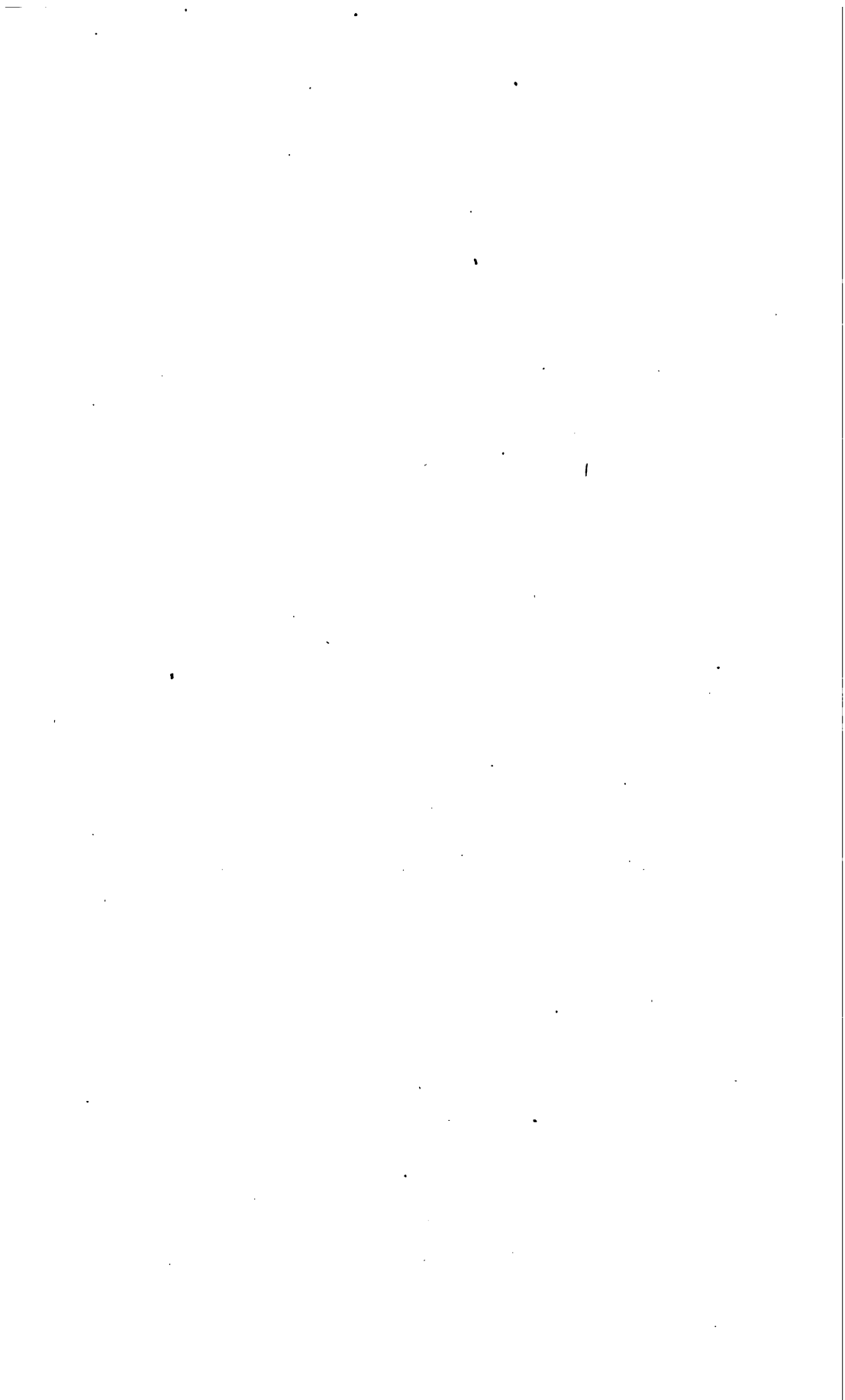
SEC. 5. In no case shall the white children be allowed to attend the schools for colored children, nor shall the colored children be allowed to attend the schools for white children.

SEC. 6. In case any district should fail or neglect to have a school therein for two years, then their *pro rata* share of the general school fund shall revert to the township, and shall be re-distributed to all the districts therein.

SEC. 7. Whenever the general school fund, accruing to any township, shall exceed the amounts necessary to continue the schools therein for ten months in the year, the districts therein may, by a majority vote of the legal voters thereof, use and appropriate their share of said *excess*, for building, repairing or furnishing school houses, or for any necessary expenses connected therewith.

SEC. 8. As the county of Mobile now has an established school system of its own, the provisions of this Act shall apply to that county only so far as to require its school commissioners to draw the portion of funds to which that county will be entitled under this Act, and to make the reports to the Superintendent herein required.





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